

Minutes, Local Control Sub-Committee/City Council License Committee



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City of Burlington

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LOCAL CONTROL SUB-COMMITTEE

TUESDAY, NOVEMBER 1, 2011

CONFERENCE ROOM 12, CITY HALL

4:00 P.M.

PRESENT: Commissioners Berezniak and Blais; Lori Olberg and Nikki Fuller

ABSENT: Commissioner Dober

1. AGENDA

On a motion by Commissioners Blais and Berezniak the agenda was adopted as is. Passed 2-0.

2. CONSENT AGENDA

On a motion by Commissioners Blais and Berezniak, the consent agenda was adopted, thus taking the following actions as indicated (passed 2-0):

2.01. COMMUNICATION: Lori Olberg, Licensing, Voting and Records Coordinator, re: Catering Log

*waive the reading, accept the communication and place it on file

2.02. COMMUNICATION: Amy Bovee, Executive Secretary and Lori Olberg, Licensing, Voting and Records Coordinator, re: Draft Local Control Sub-committee/City Council License Committee Minutes for August 2, 2011

*waive the reading, accept the communication and place it on file

2.03. COMMUNICATION: Amy Bovee, Executive Secretary and Lori Olberg, Licensing, Voting and Records Coordinator, re: Draft Local Control Sub-committee/City Council License Committee Minutes for August 30, 2011

*waive the reading, accept the communication and place it on file

2.04. COMMUNICATION: Renee Warren, Administrative Secretary, Department of Liquor Control, Education, Licensing & Enforcement Division, State of Vermont, re: Blue Cat Café and Wine Bar, October 9, 2011, Violation of General Regulations #34, #16 and #49 with a fine of \$1,000; the \$1,000 Administrative Notice of Agency Action has been paid

*waive the reading, accept the communication and place it on file

2.05. COMMUNICATION: Renee Warren, Administrative Secretary, Department of Liquor Control, Education, Licensing & Enforcement Division, State of Vermont, re: Buffalo Wild Wings, October 12, 2011, Violation of General Regulation #13 with a fine of \$250; the \$250 Administrative Notice of Agency

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Action has been paid

*waive the reading, accept the communication and place it on file

2.06. COMMUNICATION: Renee Warren, Administrative Secretary, Department of Liquor Control, Education, Licensing & Enforcement Division, State of Vermont, re: Halvorson's Upstreet Café, October 4, 2011, Violation of General Regulations #35 and #37 with a fine of \$300; the \$300 Administrative Notice of Agency Action has been paid

*waive the reading, accept the communication and place it on file

2.07. COMMUNICATION: Renee Warren, Administrative Secretary, Department of Liquor Control, Education, Licensing & Enforcement Division, State of Vermont, re: Mr. Mike's Pizza, October 10, 2011, Violation of General Regulation #21(a) with a fine of \$200; the \$200 Administrative Notice of Agency Action has been paid

*waive the reading, accept the communication and place it on file

3. FIRST CLASS RESTAURANT LIQUOR LICENSE APPLICATION (2011-2012):

Pistou (formerly Via Loma), 61 Main Street*

On a motion by Commissioner Blais, seconded by Commissioner Berezniak, the 2011-2012 First Class Restaurant Liquor License Application for Pistou was recommended for approval with all standard conditions and contingent upon the Fire Marshal Office. This application would be placed on the November 7, 2011 City Council Agenda for final City approval. Passed 2-0.

4. BURLINGTON PUBLIC SAFETY INSPECTION CHECKLIST: Akes' Place, 134 Church Street*

On a motion by Commissioner Blais, seconded by Commissioner Berezniak, this communication was being referred to the City Attorney's Office, namely Senior Assistant City Attorney Bergman, to investigate further and report back to the Local Control Sub-committee. Passed 2-0.

5. OTHER BUSINESS

Commissioner Blais asked Lori Olberg if there were any pending special event permits for Bangkok Bistro to which she replied that there were not; however, they still had fire violation tickets needing payment verification to White River Junction along with monies owed to the Clerk/Treasurer's Office with no contact on their end to pay or set up a payment plan. She told the Committee that if there were any future special event permits being issued, the Committee would be informed.

6. ADJOURNMENT

On a motion by Commissioners Berenziak and Blais, the Local Control Sub-committee voted unanimously to adjourn at 4:10 p.m.

Attest:

Lori Olberg, Licensing, Voting and Records Coordinator

CITY COUNCIL LICENSE COMMITTEE
TUESDAY, NOVEMBER 1, 2011
4:10 P.M.

PRESENT: see above

1. AGENDA

On a motion by Councilors Blais and Berezniak the agenda was adopted, as amended by the following: remove agenda items 2.02. through 2.10. from the consent agenda and place them on the Deliberative Agenda as item 3.5 to include Nick Karabelas', owner of Das Bierhaus, communication re: Under 21 Permits occurring at Lift. Passed 2-0.

2. CONSENT AGENDA

On a motion by Councilors Blais and Berezniak, the consent agenda was adopted, as amended, thus taking the following actions as indicated:

2.01. COMMUNICATION: William J. Goggins, Chief, Education, Licensing & Enforcement, State of Vermont, Department of Liquor Control, re: Merola's Market, September 7, 2011, Underage Tobacco Product Sale (1st violation), **Mandatory DLC training for the licensee is required within sixty (60) days**

*waive the reading, accept the communication and place it on file

2.11. COMMUNICATION: Sergeant Matthew Sullivan, Burlington Police Department, re: Rasputins, 163 Church Street, October 30, 2011, Under 21 Event (Private Party), 9:00 p.m. – 2:00 a.m.

*waive the reading, accept the communication and place it on file

3. LICENSE AGREEMENT FOR BIKE RACK: Courtyard Burlington Harbor Hotel: 2011-2012 Season

On a motion by Councilors Blais and Berezniak the License Agreement for A Bike Rack at the Courtyard Burlington Harbor Hotel was unanimously approved. Councilor Berezniak asked Assistant City Attorney Fuller if this would be an annual license agreement to which she replied that for this year and maybe next with the intent to go forward with either a three or five year license agreement. A resolution along with the license agreement would be placed on the November 7, 2011 City Council Agenda for final City approval. Passed 2-0.

3.5. (was 2.02.) COMMUNICATION: Sergeant Matthew Sullivan, Burlington Police Department, re: LIFT, 165 Church Street, September 8, 2011, Under 21 Event, 9:00 p.m. – 2:00 a.m.

(was 2.03.) COMMUNICATION: Sergeant Matthew Sullivan, Burlington Police Department, re: LIFT, 165 Church Street, September 28, 2011, Under 21 Event, 9:00 p.m. – 2:00 a.m.

(was 2.04.) COMMUNICATION: Sergeant Matthew Sullivan, Burlington Police Department, re: LIFT, 165 Church Street, October 5, 2011, Under 21 Event, 9:00 p.m. – 2:00 a.m.

(was 2.05.) COMMUNICATION: Sergeant Matthew Sullivan, Burlington Police Department, re: LIFT, 165 Church Street, October 12, 2011, Under 21 Event, 9:00 p.m. – 2:00 a.m.

(was 2.06.) COMMUNICATION:Sergeant Matthew Sullivan, Burlington Police Department, re: LIFT, 165 Church Street, October 19, 2011, Under 21 Event, 9:00 p.m. – 2:00 a.m.

(was 2.07.) COMMUNICATION:Sergeant Matthew Sullivan, Burlington Police Department, re: LIFT, 165 Church Street, October 26, 2011, Under 21 Event, 9:00 p.m. – 2:00 a.m.

(was 2.08.) COMMUNICATION:Sergeant Matthew Sullivan, Burlington Police Department, re: LIFT, 165 Church Street, October 27, 2011, Under 21 Event, 9:00 p.m. – 2:00 a.m.

(was 2.09.) COMMUNICATION:Sergeant Matthew Sullivan, Burlington Police Department, re: LIFT, 165 Church Street, November 2, 2011, November 9, 2011, November 16, 2011, November 17, 2011, November 23, 2011, November 30, 2011, Under 21 Events, 9:00 p.m. – 2:00 a.m.

(was 2.10.) COMMUNICATION:Sergeant Matthew Sullivan, Burlington Police Department, re: LIFT, 165 Church Street, December 7, 2011, December 14, 2011, December 15, 2011, December 21, 2011, December 28, 2011, Under 21 Events, 9:00 p.m. – 2:00 a.m.

Nick Karabelas' communication re: Under 21 Permits at Lift was added to this agenda item. Councilor Blais, seconded by Councilor Berenziak, made a motion to waive the readings, accept the above-mentioned communications and place them on file. These approved permits were inconsistent with what the Burlington Police Department discussed at a previous License Committee meeting when Lt. Art Cyr was in charge of the Downtown District and stated that Under 21 Permits would be scaled back, to be dealt on a case by case basis since there had been looming issues. Thus, the License Committee would like to re-visit this process; other business owners were encouraged to attend along with representatives from the Burlington Police Department and the Department of Liquor Control. Lori Olberg would inform Nectar's since they also have had Under 21 Permits on a consistent basis and should be a part of the discussion. This item would be placed on the November 15, 2011 License Committee Agenda. Passed 2-0.

4. OTHER BUSINESS

Assistant City Attorney Fuller requested to the License Committee that both Bangkok Bistro and Akes' Place (the violation in writing was passed out to the Committee members at the meeting) need to attend the next meeting so that these fire violations could be addressed. Lori Olberg stated that she would inform the two establishments along with the Fire Marshal Office that their presence would be requested for the November 15, 2011 License Committee Meeting.

5. ADJOURNMENT

On a motion by Councilors Berezniak and Blais, the City Council License Committee voted unanimously to adjourn at 4:38 p.m.

Attest:

Lori Olberg, Licensing, Voting and Records Coordinator